

Federal Defenders OF NEW YORK, INC.

Southern District
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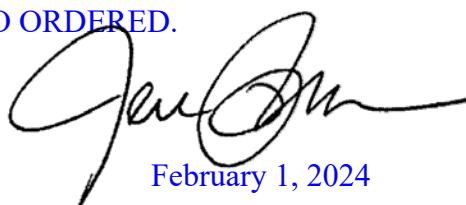
February 1, 2024

By ECF

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Application GRANTED. Sentencing is hereby ADJOURNED to April 4, 2024, at 2:30 p.m. No further extensions will be granted. The Clerk of Court is directed to terminate Doc. #22 in 23-CR-596 (JMF) and Doc. #95 in 15-CR-228 (JMF).

SO ORDERED.



February 1, 2024

Dear Judge Furman:

I represent defendant Elvin Heskey in the above-captioned matters. I write to request that the Court adjourn Mr. Heskey's sentencing to a date in early April, and order the Probation Department to disclose the final pre-sentence report at least three weeks prior to sentencing. The government does not object to this request.

On November 14, 2023, Mr. Heskey pled guilty to an information charging one count of possession of child pornography. He also pled guilty at the same proceeding to one count of a pending VOSR petition. The Court scheduled Mr. Heskey's sentencing for February 27, 2024, with the defense's sentencing submission due on February 13 and the government's due on February 20.

Mr. Heskey's pre-sentence interview was completed on December 20, 2023. The first draft of the PSR was scheduled to be disclosed on January 23, 2024. To date, however, the first draft has not been completed. The government reached out to Probation on January 26, and Probation indicated that it hoped to have the first draft of the PSR completed by February 8. Under that schedule, the first draft of the pre-sentence report would not be disclosed until three business days before the deadline for the defense's submission; the parties' objections to the PSR would not be due until three business days before sentencing.

The defense needs an opportunity to review the pre-sentence report prior to completing its sentencing submission. It is therefore requested that Court adjourn sentencing to a date in early April, and reset the submission deadlines accordingly. It is further requested that the Court order Probation to disclose the final pre-sentence report at least three weeks before sentencing, to ensure that the defense has at least a week to review the final report before filing its submission. Such an order will ensure there are no further delays, as Mr. Heskey is currently incarcerated at the MDC and eager to be designated to another institution to begin serving his sentence.

The parties have conferred, and are available for sentencing any day in early April, with the exception of April 1-3, April 8, and April 11-12.

Sincerely,



Michael Arthus
Assistant Federal Defender
212-417-8760

cc. (by ECF): AUSA Meredith Foster